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December 6, 2024

**VIA ECF & EMAIL (Failla\_NYSDChambers@nysd.uscourts.gov)**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: B.G., et al. v. City of New York, et al.**  
**Case: 1:23-cv-03761 (KPF)**  
**Our File No. 267805-F100**

Dear Judge Failla:

In accordance with Your Honor's September 30, 2024 order, counsel for all parties submit this letter update on the status of settlement discussions, whether to extend the partial stay of discovery, and a revised scheduling order.

Since the September 30, 2024 order, the parties have continued to engage in consistent *ex parte* settlement discussions with Magistrate Judge Robyn F. Tarnofsky. Further, on November 25, 2024, Judge Tarnofsky convened a virtual settlement conference with counsel for Plaintiffs and Defendants and the parties themselves to address injunctive relief measures relating to an emergency notification system at P.S. 347 and monetary damages. After a thorough settlement conference on November 25, 2024, *ex parte* settlement conferences with Plaintiffs' counsel on December 2, 4, and 6, 2024, and an *ex parte* settlement conference with Defendants' counsel on December 6, 2024, the parties continue to engage in productive settlement discussions.

Considering the settlement discussions are advancing at present, the parties respectfully request additional time to potentially resolve this case and a concomitant extension of the partial stay of discovery. This is the parties' fifth request for an extension of the partial stay of discovery.

Should a partial stay remain in place, the parties also respectfully request that a revised scheduling order be submitted at a later time. Depending on whether the parties can finalize the settlement discussions, the parties can provide a future update to Your Honor on the issue of a revised scheduling order.

In light of the above, we respectfully request an extension until February 7, 2025 to provide a status update and respond as to whether a revised scheduling order is needed.

Thank you for your consideration and attention in this matter.

Respectfully,

ROBERT T. REILLY

By: /s/ Keith J. Gross  
KEITH J. GROSS  
JUNOU M. ODIGE  
Of Counsel

KJG/ts

c: Hon. Robyn F. Tarnofsky  
(via email [TarnofskyNYSDChambers@nysd.uscourts.gov](mailto:TarnofskyNYSDChambers@nysd.uscourts.gov))

Counsel for Plaintiffs & Defendants (via ECF)

Application GRANTED. The parties shall file a letter update concerning, as appropriate, the status of settlement discussions, the necessity of extending the partial stay of discovery, and / or a revised scheduling order on or before **February 7, 2025**.

The Clerk of Court is directed to terminate the pending motion at docket entry 62.

Dated: December 9, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE